

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

)

Plaintiff,

)

MEMORANDUM DECISION AND
ORDER DETAINING DEFENDANT

vs.

)

JIM PAUL DELLI, also known as:
JP DELLI,

)

Case No. 2:18-CR-00087 DS

)

Defendant.

I. INTRODUCTION

This matter is before the court on Defendant Jim Paul Delli's Motion for Review of Detention. The Court held a hearing on the Motion on March 8, 2018. For the reasons discussed herein, the Court will order Defendant be detained pending trial.

Mr. Delli is charged in a Superseding Indictment with one count of Felon in Possession of a Firearm, and one count of Possession of Marijuana with Intent to Distribute. Magistrate Judge Pead conducted a detention hearing on February 21, 2018, and concluded that Mr. Delli be detained. Mr. Delli seeks review of that decision.

To determine whether there are conditions of release that will reasonably assure the appearance of Defendant and the safety of any other person and the community, the Court considers the following factors:

- (1) the nature and circumstances of the offense charged, including whether the offense ... involves ... a controlled substance [or] firearm ...;
- (2) the weight of the evidence against the person;

(3) the history and characteristics of the person, including—

(A) the person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

(B) whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law; and

(4) the nature and seriousness of the danger to any person or the community that would be posed by the person's release....

18 U.S.C. § 3142(g).

II. DISCUSSION

After considering the factors set forth in 18 U.S.C. § 3142(g), and the information presented at the March 8, 2018 detention hearing, the Court concludes, de novo, that Mr. Delli must be detained pending trial because the Government has proven by clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community.

Mr. Delli is charged as a felon in possession of a firearm and possession of marijuana with intent to distribute. Mr. Delli is alleged to have committed these offenses in and around his residence where most of his 12 children reside, 10 of whom are minors. Because these serious charges involve both drugs and firearms in close proximity to minor children, this first factor weighs in favor of detention.

The weight of evidence also favors detention. Multiple weapons plus ammunition, 18 pounds of marijuana and approximately \$28,415 in cash were found and taken from Defendant's residence.

The Court also considers the history and characteristics of Mr. Delli. He is a convicted felon. He has a history of prior arrests and convictions including charges involving violence and domestic violence. In 1999 Mr. Delli was convicted of similar charges to those pending against him here. He has a history of substance abuse. Although Mr. Delli by some accounts is a caring father, that he allegedly committed his offenses in proximity to his home and family exhibits concerning behavior. In his favor, the current charges arise from a search of his residence over a year ago without evidence of unlawful conduct since. However, in sum, these considerations weigh in favor of detention.

Finally, as to the nature and seriousness of the danger to any person or the community that would be posed by Mr. Delli's release, the reasons set forth above, weigh in favor of detention.

III. CONCLUSION

Based on the above stated reasons, Mr. Delli is ordered detained pending trial. Although the court's analysis does not support the conclusion that Defendant poses a risk of flight, the analysis does support the conclusion that detention is required to assure the

safety of any other person and the community.

Dated this 12th day of March, 2018

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Sam", written over a horizontal line.

DAVID SAM
SENIOR JUDGE
UNITED STATES DISTRICT COURT